



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,171	10/31/2000	Aman Safaci	W1200-00034	9592

8933 7590 02/14/2007  
DUANE MORRIS, LLP  
IP DEPARTMENT  
30 SOUTH 17TH STREET  
PHILADELPHIA, PA 19103-4196

EXAMINER
----------

OMOTOSHO, EMMANUEL

ART UNIT	PAPER NUMBER
----------	--------------

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/14/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/703,171

Applicant(s)

SAFAEI ET AL.

Examiner

Emmanuel Omotosho

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-30 and 92-128 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-30, 92-128 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

In response to the amendment filed March 27, 2006 in which the applicant amends claims 26, 117 and 122, canceled claims 7 and 31-91, and claims 1-6, 8-30, and 92-126 are pending in this application.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 26-27, 29-30, 117-118, 120-121, 124-125 and 127-128 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall et al. (US 2005/0208995) in view Thomas et al. (US 2001/0034268).

3. Marshall et al discloses the following:

Prompting the user to select a date within a predefined time period (figure 93), transmitting a track board through the computer network to a user terminal, wherein the track board is displayed to the user by the user terminal (figures 1-3), the track board including a listing of tracks and a listing of a *plurality of races at each* of the tracks for the date selected by the user, in which the examiner interprets the user selecting one of the tracks (figure 94) for the

selected tracks to view the available races that day to be an equivalent to a listing of a *plurality of* races at *each* of the tracks for the date selected by the user (figures 93-99), prompting the user to select a race from a track in the listing *form the track board*, in which the examiner interprets the user selecting a track from in figure 94 and then selecting the a race from that track to be an equivalent to prompting the user to select a race from a track in the listing *form the track board* (figure 93-94), displaying results data from a race selected by the user to the user with the user terminal if the status for the selected race is completed (figure 95), (figures 91-99) as recited in claims 26 and 117.

Updating the statuses of the races on the track board at predetermined time intervals, in which the examiner interprets the refresh when a user is going through the menus to be an equivalent to updating the track board at predetermined intervals (paragraph 83) as recited in claims 27 and 118.

Transmitting live odds to the user terminal through the computer network if the status of the selected race is open for wagering with live odds available, wherein the live odds are displayed to the user terminal, and updating the live odds at predetermined time intervals (figures 1-3) as recited in claims 30 and 121.

The race entry data having a listing of original entries for the race selected by the user, the selected race being at a future day, in which the examiner interprets the races within the same day to be an equivalent to a future day and the program data having a listing of current entries for the race selected by the user the selected race being for a currently scheduled race for a current day (figures 91-99) as recited in claims 124 and 125.

Displaying the track board through the use of the Internet (Paragraph 0050) wherein the single graphical interface is a web page that the Internet would use to display the information as recited in claims 127-128

Marshall et al does not expressly disclose the following:

Distinguishing the races from each other to the user *in the track board* by status as completed, open for wagering, and displaying race program data for a race selected by the user to the user with the user terminal if the status of the selected race is open for wagering as recited in claims 26 and 117.

Thomas et al teaches the following:

Distinguishing the races from each other to the user *in the track board* by status as completed and open for wagering, in which the examiner interprets the status indicator of open and completed in figures 4A-4B to be an equivalent to distinguishing the races from

each other to the user *in the track board* by status as completed and open for wagering (figures 4A-4B), and displaying race program data for a race selected by the user to the user with the user terminal if the status of the selected race is open for wagering (figures 4A-4B) as recited in claims 26 and 117.

At the time of the invention was made it would have been obvious design choice to a person of ordinary skill in the art to provide different types of status conditions as recited in claims 26, 29, 117, and 120 to inform game players the condition of a particular event or actions taking place, because Applicant has not disclosed that the particular status conditions provides an advantage or solves a stated problem.

By having a status for each race, one of ordinary skill in the art would provide game players an accurate condition of a desired race time and standing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Marshall et al to include distinguishing the races from each other to the user by status as completed, open for wagering, and displaying race program data for a race selected by the user to the user with the user terminal if the status of the selected race is open for wagering

as taught by Thomas et al to provide game players an accurate condition of a desired race time and standing.

4. Claims 1-6, 9-25, 28, 92-97, 100-117, and 122-123 rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall et al. (US 2005/0208995) in view Thomas et al. (US 2001/0034268) as applied to claims 26 and 117 above, and further in view of Brenner et al. (6,089,981) and Boylan, III et al (US 6,712,701).
5. Marshall et al in view of Thomas et al further disclose the following:

A user capable of indicating an event by which to wager on using a suitable type of interface through a private wagering network or through a public network such (figures 1-3) as the Internet 1, 9, 92, and 100.

Marshall et al in view of Thomas et al disclose the claimed invention as discussed above except for the following:

Transmitting race entry data through a computer network to the user terminal, wherein the race entry data are displayed to the user by the user terminal, the race entry data including a listing of a plurality of tracks a listing of scheduled races at each of the tracks at a future day, and a listing of original entries in each of the races, transmitting race program data through the computer network to the user terminal, wherein the race program data are displayed to the user by the user terminal, the race program data including a listing of a plurality of tracks, a listing of currently scheduled races at each

of the tracks for a current day, and a listing of current entries in each of the races, transmitting live odds through the computer network to the user terminal for races included within the race program data which are open for wagering and for which live odds are available, wherein the live odds are displayed to the user by the user terminal, and updating through the computer network the live odds transmitted to the user terminal at predetermined time intervals, wherein the update live, odds are displayed to the user by the user terminal as recited in claims 1, 29 and 92

The race program data having program number and postposition for each current entry in each race as recited in claims 2 and 93.

The race entry data further having morning line odds as recited in claims 3 and 94.

The entry data further having an original jockey and trainer for each entry and current entry as recited in claims 4 and 95.

A means for providing a list of at least one past performance, at least one handicapping, or at least one tip selection or combination to a user on a user terminal as recited in claims 5 and 96.



A means for charging a credit card of the user, a wagering account of the user, or a promotional account of the user as recited in claim 6 and 97.

A means for providing results data for currently scheduled races to a user terminal through the network after currently scheduled races have been made official and the results include finish order of entries from races and payoff for the entries on the user terminal as recited in claims 9 and 100.

A means for providing a listing of a plurality of tracks and weather conditions for the tracks displayed on the user terminals as recited in claims 10-12 and 101-103.

A means for providing race contest new articles to the user on a user terminal as recited in claims 13 and 104.

A user to view contents news articles selected by a user and displayed on a user terminal as recited in claims 14 and 105.

A means for prompting a user for displaying post time for currently scheduled races and means for causing post times for currently scheduled races to be expressed in a time zone displayed on user terminal as recited in claim 15 and 106.

Prompting the user to select a country before transmitting the race entry data and the race program data the transmitted race

entry data and the transmitted race program data identifying races from a country selected by the user as recited in claim 16 and 107.

A means for providing a board having entries including a horse, jockey, or trainer, and a means for providing selected result identifying races including a horse, jockey, or a trainer entries as recited in claims 17 and 108.

A means for causing the search result to be organized by a plurality of headings as recited in claims 18 and 109.

A means for prompting the user to select a horse, a jockey, or a trainer for providing statistical data for horse, jockey, or trainer selected by user on a user terminal as recited in claims 19 and 110.

A means for providing a race board on a user terminal having a listing of a plurality of races scheduled for a predetermined period of time and prompting a user at least one race characteristic (post-time) on a user terminal as recited in claims 20 and 111.

Race characteristic includes a plurality of headings as recited in claims 21, 24, 112, and 115.

A means for prompting user to organize search result according to a race characteristics and a means for causing the search results to be organized by a race characteristics select by the user on a user terminal as recited in claims 22 and 113.

A means for providing a race board on a user terminal having a listing of a plurality of races scheduled for a predetermined period of time, prompting the user to organized the listing by at least one race characteristic and the a means for causing the listing to be organized by race characteristics selected by the user on a user terminal as recited in claims 23 and 114.

A means for prompting the user to search the listing for race having at least one race characteristic and a means for causing the listing to be searchable for races having a race characteristic selected by the user on a user terminal as recited in claims 25 and 116.

The statuses re distinguished by color as recited in claims 28 and 119.

The computer network includes the Internet as recited in claims 122 and 123.

Brenner teaches the following:

A means for providing race entry data through a network to a user terminal having a listing of tracks, scheduled races, a means for providing race program data through the network to a user terminal (column 3, lines 32-40), a means for providing live odds through a network, and a means for updating (summary and figures 1 and 8-22) as recited in claims 1, 29 and 92.

The race program data having program number (not shown) and postposition for each current entry in each race (summary) as recited in claims 2 and 93.

The race entry data further having morning line odds (column 18, line 51-61) as recited in claims 3 and 94.

The entry data further having an original jockey and trainer for each entry and current entry (column 14, line 61 – column 15, line 3) as recited in claims 4 and 95.

A means for providing a list of at least one past performance, at least one handicapping, or at least one tip selection or combination to a user on a user terminal (summary) as recited in claims 5 and 96.

A means for charging a credit card of the user, a wagering account of the user, or a promotional account of the user (column 20, line 20-34) as recited in claim 6 and 97.

A means for providing results data for currently scheduled races to a user terminal through the network after currently scheduled races have been made official and the results include finish order of entries from races and payoff for the entries on the user terminal (summary) as recited in claims 9 and 100.

A means for providing a listing of a plurality of tracks and weather conditions for the tracks displayed on the user terminals (column 6, line 51 – 58) as recited in claims 10-12 and 101-103.

A means for providing race contest new articles to the user on a user terminal (column 9, lines 11-31) as recited in claims 13 and 104.

A user to view contents news articles selected by a user and displayed on a user terminal (column 9, lines 11-31) as recited in claims 14 and 105.

A means for prompting a user for displaying post time for currently scheduled races and means for causing post times for currently scheduled races to be expressed in a time zone displayed on user terminal (figure 35 and column 22, line 47 – column 23, line 5) as recited in claim 15 and 106.

Prompting the user to select a country before transmitting the race entry data and the race program data the transmitted race entry data and the transmitted race program data identifying races from a country selected by the user, in which the examiner interprets the selection of different parts of the country region to be an equivalent to a prompting the user to select a country (figure 35 and column 22, line 47 – column 23, line 5) as recited in claim 16 and 107.

The statuses re distinguished by color (column 9, lines 41-53) as recited in claims 28 and 119.

By having an interactive type wagering service on a computer network, one of ordinary skill in the art would allow users to access racing information or to place wagers on an upcoming race.

Marshall et al in view of Thomas et al and Brenner do not expressly disclose the following:

A means for providing race data through a computer network to a user terminal and a listing of tracks at a future day and a listing of original entries in each of the races as recited in claims 1, 9, 92, and 100.

A means for providing a board having entries including a horse, jockey, or trainer, and a means for providing selected result identifying races including a horse, jockey, or a trainer entries as recited in claims 17 and 108.

A means for causing the search result to be organized by a plurality of headings as recited in claims 18 and 109.

A means for prompting the user to select a horse, a jockey, or a trainer for providing statistical data for horse, jockey, or trainer selected by user on a user terminal as recited in claims 19 and 110.

A means for providing a race board on a user terminal having a listing of a plurality of races scheduled for a predetermined period of time and prompting a user at least one race characteristic (post-time) on a user terminal as recited in claims 20 and 111.

Race characteristic includes a plurality of headings as recited in claims 21, 24, 112, and 115.

A means for prompting user to organize search result according to a race characteristics and a means for causing the search results to be organized by a race characteristics select by the user on a user terminal as recited in claims 22 and 113.

A means for providing a race board on a user terminal having a listing of a plurality of races scheduled for a predetermined period of time, prompting the user to organized the listing by at least one race characteristic and the a means for causing the listing to be organized by race characteristics selected by the user on a user terminal as recited in claims 23 and 114.

A means for prompting the user to search the listing for race having at least one race characteristic and a means for causing the listing to be searchable for races having a race characteristic selected by the user on a user terminal as recited in claims 25 and 116.

The computer network includes the Internet as recited in claims 122 and 123.

Boylan, III et al teaches the following:

An interactive wagering service capable of having a means for providing race type data through a computer network to a user displayed to the user by a user terminal (column 3, lines 10-24 and column 4, line 64 – column 5, line 5 and figure 1).

An interactive wagering system capable of providing users content that is interactive, which the user may select displayed items to obtain additional information or to create a wager based on the selected information, in which the examiner interprets Boylan's interactive wagering system to be an equivalent to the search board as recited in claims 17-25 and 108-116.

The computer network includes the Internet (figures 1 and 4) as recited in claims 122-123.

By having an interactive type wagering service on a computer network, one of ordinary skill in the art would allow users to access racing information or to place wagers on an upcoming race.

Garahi in view of Brenner and Boylan do not expressly disclose a listing of tracks, a list for scheduled races at each of the tracks and a listing of original entries for a future event, however, it



is notoriously well known in sport wagering bookings to have a listing of events, odds, point spread, and other stats for wagering on future event like boxing or the super bowl.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Marshal et al to further include a means for providing race data through a computer network to a user terminal, a search board means, and a listing of tracks at a future day and a listing of original entries in each of the races as taught by Brenner and Boylan allow users to access racing information or to place wagers on an upcoming race.

6. Claims 8, 98-99 and 126 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall et al. (US 2005/0208995) in view Thomas et al. (US 2001/0034268), Miyamoto et al. (US 6,325,721) and Mindes et al. (US 5,842,921).

7. Marshall et al discloses the following:

Prompting the user to select a date within a predefined time period (figure 93), transmitting a track board through the computer network to a user terminal, wherein the track board is displayed to the user by the user terminal (figures 1-3), the track board including a listing of tracks and a listing of races at the tracks for the date selected by the user, in which the examiner interprets the user selecting one of the tracks (figure 94) for the selected tracks to view the available races that day to be an equivalent to a listing of races

at the tracks for the date selected by the user (figures 93-99), prompting the user to select a race from a track in the listing, in which the examiner interprets the user selecting a track from in figure 94 and then selecting the a race from that track to be an equivalent to prompting the user to select a race from a track in the listing (figure 93-94), displaying results data from a race selected by the user to the user with the user terminal if the status for the selected race is completed (figure 95), (figures 91-99) as recited in claim 126.

Transmitting the results data through the computer network to the user terminal, the results data includes a listing of a plurality of race tracks, a listing of completed races at the tracks and the finish order of entries in the races and payoffs for the entries, in which the examiner interprets the results tab in figure 95 to be an equivalent to transmitting the results data through the computer network to the user terminal, the results data includes a listing of a plurality of race tracks, a listing of completed races at the tracks and the finish order of entries in the races and payoffs for the entries (paragraphs 0127-0129 and figures 91-99) a recited in claims 8 and 99.

Marshall et al does not expressly disclose the following:

Distinguishing the races from each other to the user by status as completed, open for wagering, displaying race program data for a race selected by the user to the user with the user terminal if the status of the selected race is open for wagering, and providing a list of a races that have not yet been run through the computer network to the user terminal, wherein the list is displayed to the user by the user terminal, prompting the user to place a mock wager on at least one of the listed races, comparing a selected mock wager with results of the races, and awarding a prize to the user based on the comparison as recited in claims 98 and 126.

Thomas et al teaches the following:

Distinguishing the races from each other to the user by status as completed and open for wagering, in which the examiner interprets the status indicator of open and completed in figures 4A-4B to be an equivalent to distinguishing the races from each other to the user by status as completed and open for wagering (figures 4A-4B), and displaying race program data for a race selected by the user to the user with the user terminal if the status of the selected race is open for wagering (figures 4A-4B) as recited in claim 126.

At the time of the invention was made it would have been obvious design choice to a person of ordinary skill in the art to

provide different types of status conditions as recited in claim 126 to inform game players the condition of a particular event or actions taking place, because Applicant has not disclosed that the particular status conditions provides an advantage or solves a stated problem.

By having a status for each race, one of ordinary skill in the art would provide game players an accurate condition of a desired race time and standing.

Miyamoto et al teaches the following:

Providing a list of a races that have not yet been run through the computer network to the user terminal, wherein the list is displayed to the user by the user terminal, in which the examiner interprets the forecasting ranking of racing contests for simulating the racing event and contestants by incorporating past and current data to forecasting the ranking of racing contests to be an equivalent to providing a list of a races that have not yet been run through the computer network to the user terminal, wherein the list is displayed to the user by the user terminal (summary) as recited in claims 98 and 126.

Mindes teaches the following:

Prompting the user to place a mock wager on at least one of the listed races, comparing a selected mock wager with results of

the races, and awarding a prize to the user based on the comparison, in which the examiner interprets the simulating of betting and allowing users to participate in the simulation betting or wagering events without winning or losing actual dollars but would be winning or losing imaginary dollars or "points" to be an equivalent to the user place a mock wager on at least one of the listed races, comparing a selected mock wager with results of the races, and awarding a prize to the user based on the comparison (col. 25, lines 47-64 and summary) as recited in claim 98 and 126.

By providing mock wagering game, one of ordinary skill in the art would provide the capability of forecasting places of racing contests while wagering on the outcome without winning or losing actual dollars but winning or losing imaginary dollars or points.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Marshal to include distinguishing the races from each other to the user by status as completed, open for wagering, displaying race program data for a race selected by the user to the user with the user terminal if the status of the selected race is open for wagering, and providing a list of a races that have not yet been run through the computer network to the user terminal, wherein the list is displayed to the user by the user terminal, prompting the user to place a mock

wager on at least one of the listed races, comparing a selected mock wager with results of the races, and awarding a prize to the user based on the comparison as taught by Thomas et al, Miyamoto et al and Mindes et al to provide game players an accurate condition of a desired race time and standing and the capability of forecasting places of racing contests while wagering on the outcome without winning or losing actual dollars but winning or losing imaginary dollars or points.

### ***Response to Arguments***

8. Applicant's arguments filed 10/18/2006 have been fully considered but they are not persuasive.
9. In response to applicants arguments on page 16 that none of Marshall et al.'s ("Marshall") interfaces displays a track board (in which the Examiner broadly interprets the track board as a spreadsheet for racing information) displaying together in a single interface a listing of a plurality of tracks along with a listing of a plurality of races at each of said displayed tracks for a date selected by user. The examiner respectfully disagrees. As can be seen from fig 92- fig 100, it is quite clear that Marshall discloses a window (fig 92 window 9200). The examiner interprets this window as the single interface that displays all the race/track information. This window is composed of several tabs of information. This tabs of information is being broadly interpreted by the examiner to be similar to the same tab information spreadsheet organizational scheme

Art Unit: 3714

well known in the art, for example, Microsoft Excel as been to have shown this scheme as another way to present spreadsheet data to the user. From this tabs, all race/track information such as a listing of plurality of tracks along with a listing of plurality of races at each said displayed tracks for the date selected by the user are all available to the user within this single interface. Therefore, Marshall's track information is not limited to the first race at each track. On the contrary, Marshall discloses a track board that meets the applicants track board limitations of "displaying together in a single interface a listing of a plurality of tracks along with a listing of a plurality of races at each of said displayed tracks for a date selected by user".

10. Applicant further argues on page 17, " , Marshall does not teach or suggest the claimed track board transmitting step as claimed in Claim 26 for display to the user in response to a selection of a date by the user. It follows that Marshall does not teach the step of prompting the user in the single graphical interface (Le., the interface that lists the plurality of tracks along with a plurality of races at each track distinguished by their status) to select a race from a track in the listing, nor the display of the following information upon receipt of a selection of a track in response to the prompt: (a) results data for a race selected by said user to said user with said user terminal the status of said selected race is completed; Co) race program data for a race selected by said user to said user with said user terminal ~ the status of said selected race is open for wagering; and (c) race entry data for a mcø selected by said user to said user with said user terminal when the status of said selected race is not yet open for wagering". The examiner agrees with the applicant that Marshall does not distinguish the races from

each other to the user in the track board by status as completed, open for wagering, and displaying race program data for a race selected by the user with the user terminal if the status of the selected race is open for wagering. Nevertheless, the applicant should respectfully note that the examiner already recognized that Marshall lacks this feature, however the combination of Marshall in view of Thomas et al., as discussed above, discloses this feature.

11. Applicant further argues on page 18, "the EasyBet screen 100 of FIG. 4A is used by novice betters to place a wager. The interface screen 100 lists the "current race" at each track along with its post time and the "track status." Simply, it is submitted that "track" status is not "race status." The "track status" column is referenced in Paragraph 85 of Thomas but its meaning is not explained in Thomas or in the provisional application from which Thomas claims priority. It is submitted that "track status" merely shows whether the track is open, otherwise R would be redundant to "current race" information. The "current race" column shows only one race for each track, i.e., the next scheduled race and its post time. The display does not show multiple races time each track, with distinguishing statuses between these races nor does the display distinguish these "current races" from each other by status in any way, likely because each race would surely share the same status. From FIG. 4A, the user selects a single track and the display of FIG. 4B is displayed. (Par. 87). The screen 160 of FIG. 4B displays multiple races for only a single track and their post times. Again, the status of the "track" is shown, but no distinctions are made between the races based on status. Individual races can be selected to place a wager (FIG. 4(2))." The examiner respectfully



disagrees. With reference to Thomas et al.'s paragraph 0085 and fig 4a-4b, the examiner interprets the current race as the race currently on the track or the race scheduled to be raced at the 'post time'. The examiner, therefore, further interprets the Track status to be the status of the track (or the race) since its well known in the art for track/race to be interchangeable. It well known in the art that if the track status is 'open', then the race is 'open'. Thus the track status is monitoring the status of the race. Thomas et al. further shows this in fig 4b where under "Track Name", it's a list of track names named as "Race 1, Race 2, Race 3 etc". Right next to "Track Name" is "Track Status". Thus, from fig 4b, one of ordinary skill in the art could deduce that Track status is the same as Race status for fig 4b shows that "Race 1 is open". Therefore, Thomas et al. teaches the idea of monitoring race status and displaying the status to the user. Thus, as combined above, the combination teaches the limitation of displaying the status of a race to the user.

12. Applicant further argues, "Claims 27 and 118 recite that the statuses are updated on the track board. The Examiner equates a user who surfs menus in Marshall to "updating the track board at predetermined intervals." First, as discussed above, the combination of references does not teach or suggest distinguishing races by status as claimed or the claimed track board graphical interface. Second, a user surfing different menus would do so in a random fashion and thus not "at predetermined intervals." Third, surfing causes display of different interface screens, not the update of the single graphical interface of the claimed track board. Nonetheless, Claims 27 and 118 have been amended to clarify that the updates are automatically accomplished. For at least

these reasons, it is submitted that Claims 27 and 118 are independently allowable over the art of record". However, applicant should respectfully note that all were claims were given the broadest and reasonable interpretation. Therefore the rejection to claim 27 and 118 still holds. Marshall still discloses automatically updating the statuses of the races on the track board at predetermined time intervals, in which the examiner interprets the automatic refresh when a user is going through the menus to be an equivalent to automatically updating the track board at predetermined intervals (Paragraph 83). Applicant should respectfully further note that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

13. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine is found on figure 4B. As noted above Marshall lacks the different status indicators on the track board. Thomas teaches as the user selects a track (4A), the user can immediately see that several different tracks are open and within the selected tracks are the number of races that a user can choose from for wagering. The underlying game of the claimed invention and the cited prior are the same. The

underlying game of the claimed invention discloses prompting a user to select a given date upon which to place wagers, displaying a listing of tracks and a list of races, selecting a particular race from the track selected, and prompting a user to place a wager for a particular race selected. The cited art discloses an interactive wagering system where users select a particular date on a racing schedule, select a particular track and within that track select a particular race, and prompting the user to place a wager for a particular race. The only difference between the claimed invention and the cited prior art are the aesthetic design of the different types of status indicator to inform the user that a race is open, closed, completed and variations thereof and single screen that displays a plurality of information versus clicking on particular menu tabs to achieve the same wager selection. Giving a claim it's broadest reasonable interpretation, the cited prior disclose the claimed invention as discussed above.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3714

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Omotosho whose telephone number is (571) 272-3106. The examiner can normally be reached on m-f 8-430.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EO

Ronald Aneau  
Primary Examiner  
2/10/07